

PCS for HB 5007

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1 A bill to be entitled
 2 An act relating to reducing and streamlining regulations;
 3 amending s. 320.90, F.S.; transferring the responsibility for
 4 distribution of a motor vehicle consumer's rights pamphlet to a
 5 motor vehicle owner from the Department of Agriculture and
 6 Consumer Services to the Department of Legal Affairs; amending
 7 s. 322.142, F.S.; providing for the release of certain driver
 8 license information by the Department of Highway Safety and
 9 Motor Vehicles to the Department of Business and Professional
 10 Regulation under certain circumstances; amending s. 468.8324,
 11 F.S.; providing alternative criteria for obtaining a home
 12 inspector's license; removing certain application requirements
 13 for a person who performs home inspection services and who
 14 qualifies for licensure on or before a specified date; amends s.
 15 468.8413, F.S.; revising licensing requirements for mold
 16 assessors and remediators; amends s. 468.8414, F.S.; revising
 17 the training requirements for mold assessors and remediators;
 18 amends s. 468.8419, F.S.; related to prohibitions and penalties
 19 for mold assessors and remediators; amends s. 468.8423, F.S.;
 20 revises licensing qualifications for mold assessors and
 21 remediators; amending s. 468.841, F.S.; adding licensed home
 22 inspectors to those who are exempt from complying with
 23 provisions related to mold assessment; amending s. 469.006,
 24 F.S.; authorizing an asbestos consultant or contractor doing
 25 business as a sole proprietorship to be licensed under his or
 26 her fictitious name; amending s. 475.611, F.S.; deleting the
 27 definition of "Uniform Standards of Professional Appraisal
 28 Practice"; amending s. 475.624, F.S.; establishing professional

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29 standards by board rule; amending s. 475.628, F.S.; authorizing
 30 the board to adopt rules establishing standards of professional
 31 practice; amending ss. 475.42, 475.626, and 477.0265, F.S.;
 32 deleting criminal penalties for persons who violate orders or
 33 rules of the Florida Real Estate Commission, persons who violate
 34 orders or rules of the Florida Real Estate Appraisal Board or
 35 related grounds for disciplinary action, and persons who commit
 36 certain violations of the Florida Cosmetology Act or rules of
 37 the Board of Cosmetology; amending ss. 455.271, 477.0212,
 38 468.8317, 468.8417, 481.217, 481.315, 489.116, and 489.519,
 39 F.S.; revising the continuing education requirements for
 40 reactivating a license, certificate, or registration to practice
 41 certain regulated professions and occupations; amending s.
 42 473.308, F.S.; revising licensure requirements for certified
 43 public accountants and firms; deleting obsolete provisions;
 44 revising licensure requirements for certain persons licensed to
 45 practice public accounting in another state or territory;
 46 amending s. 475.17, F.S.; revising the education requirements
 47 for licensed real estate brokers and sales associates; amending
 48 s. 481.219, F.S.; providing that a certificate of authorization
 49 is not required for an architect doing business as a sole
 50 proprietorship under his or her fictitious name; amending s.
 51 481.329, F.S.; providing that part II of ch. 481, F.S., does not
 52 preclude any person who engages in the business of landscape
 53 design from submitting such plans to governmental agencies for
 54 approval; amending ss. 493.6107 and 493.6202, F.S.; revising
 55 requirements for the method of payment of certain fees; amending
 56 s. 493.6401, F.S.; revising terminology for reposessor schools

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57 | and training facilities; amending s. 493.6402, F.S.; conforming
 58 | terminology; revising requirements for the method of payment of
 59 | certain fees; amending s. 493.6406, F.S.; conforming
 60 | terminology; amending s. 500.03, F.S.; providing and revising
 61 | definitions for purposes of the Florida Food Safety Act;
 62 | amending s. 500.121, F.S.; providing penalties for food safety
 63 | violations committed by cottage food operations; creating s.
 64 | 500.80, F.S.; exempting cottage food operations from food
 65 | permitting requirements; limiting the annual gross sales of
 66 | cottage food operations and the methods by which cottage food
 67 | products may be sold or offered for sale; requiring certain
 68 | packaging and labeling of cottage food products; limiting the
 69 | sale of cottage food products to certain locations; providing
 70 | for application; authorizing the Department of Agriculture and
 71 | Consumer Services to investigate complaints and enter into the
 72 | premises of a cottage food operation; amending s. 501.160, F.S.;
 73 | deleting authority for the department to enforce certain
 74 | prohibitions against unconscionable practices during a declared
 75 | state of emergency; amending s. 509.032, F.S.; revising which
 76 | matters relating to the regulation of public lodging
 77 | establishments and food service establishments are preempted to
 78 | the state; amending s. 509.261, F.S.; authorizing the Division
 79 | of Hotels and Restaurants of the Department of Business and
 80 | Professional Regulation to require certain public lodging
 81 | establishments and public food service establishments to
 82 | complete certain remedial educational programs; amending s.
 83 | 627.711, F.S.; revising requirements relating to home inspectors
 84 | conducting hurricane mitigation inspections; amending s.

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85 633.537, F.S.; revising the validity period for inactive status
 86 certificates of fire protection system contractors; amending ss.
 87 681.102, 681.103, 681.108, 681.109, 681.1095, 681.1096, and
 88 681.112, F.S.; deleting a definition; transferring certain
 89 responsibilities of the Division of Consumer Services for the
 90 Motor Vehicle Warranty Enforcement Act to the Department of
 91 Legal Affairs; conforming provisions; amending s. 681.117, F.S.;
 92 deleting provisions providing for the transfer of certain fees
 93 and interagency contracting between the Department of Legal
 94 Affairs and the Division of Consumer Services, to conform;
 95 amending s. 10, ch. 2010-84, Laws of Florida; revising the
 96 effective date of provisions relating to the regulation of real
 97 estate appraisers and appraisal management companies; providing
 98 for retroactive operation under certain circumstances; providing
 99 effective dates.

100

101 Be It Enacted by the Legislature of the State of Florida:

102

103 Section 1. Section 320.90, Florida Statutes, is amended to
 104 read:

105 320.90 Notification of consumer's rights.—The department
 106 shall develop a motor vehicle consumer's rights pamphlet which
 107 shall be distributed free of charge by the Department of Legal
 108 Affairs ~~Agriculture and Consumer Services~~ to the motor vehicle
 109 owner upon request. Such pamphlet must contain information
 110 relating to odometer fraud and provide a summary of the rights
 111 and remedies available to all purchasers of motor vehicles.

112 Section 2. Subsection (4) of section 322.142, Florida

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113 Statutes, is amended to read:
 114 322.142 Color photographic or digital imaged licenses.—
 115 (4) The department may maintain a film negative or print
 116 file. The department shall maintain a record of the digital
 117 image and signature of the licensees, together with other data
 118 required by the department for identification and retrieval.
 119 Reproductions from the file or digital record are exempt from
 120 the provisions of s. 119.07(1) and shall be made and issued only
 121 for departmental administrative purposes; for the issuance of
 122 duplicate licenses; in response to law enforcement agency
 123 requests; to the Department of Business and Professional
 124 Regulation pursuant to an interagency agreement for the purpose
 125 of accessing digital images for reproduction of licenses issued
 126 by the Department of Business and Professional Regulation or for
 127 the purpose of identifying subjects under investigation for
 128 unlicensed activity pursuant to s. 455.228; to the Department of
 129 State pursuant to an interagency agreement to facilitate
 130 determinations of eligibility of voter registration applicants
 131 and registered voters in accordance with ss. 98.045 and 98.075;
 132 to the Department of Revenue pursuant to an interagency
 133 agreement for use in establishing paternity and establishing,
 134 modifying, or enforcing support obligations in Title IV-D cases;
 135 to the Department of Children and Family Services pursuant to an
 136 interagency agreement to conduct protective investigations under
 137 part III of chapter 39 and chapter 415; to the Department of
 138 Children and Family Services pursuant to an interagency
 139 agreement specifying the number of employees in each of that
 140 department's regions to be granted access to the records for use

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141 as verification of identity to expedite the determination of
 142 eligibility for public assistance and for use in public
 143 assistance fraud investigations; or to the Department of
 144 Financial Services pursuant to an interagency agreement to
 145 facilitate the location of owners of unclaimed property, the
 146 validation of unclaimed property claims, and the identification
 147 of fraudulent or false claims.

148 Section 3. Paragraph (1) of section 468.8324, Florida
 149 Statutes is amended to read:

150 468.8324 Grandfather clause.—

151 (1) A person who performs home inspection services may
 152 qualify for licensure as a home inspector under this part if the
 153 person submits an application to the department postmarked on or
 154 before July 1, 2012, which shows that the applicant:

155 (a) Possesses certification as a one- and two-family
 156 dwelling inspector issued by the International Code Council or
 157 the Southern Building Code Congress International;

158 (b) Has been certified as a one- and two-family dwelling
 159 inspector by the Florida Building Code Administrators and
 160 Inspectors Board under part XII of this chapter; or

161 (c) Possesses a Division I contractor license under part I
 162 of chapter 489, a Division II certified air-conditioning
 163 contractor license under part I of chapter 489, and an
 164 electrical contractor license under part II of chapter 489.

165 ~~(1) A person who performs home inspection services as~~
 166 ~~defined in this part may qualify for licensure by the department~~
 167 ~~as a home inspector if the person submits an application to the~~
 168 ~~department postmarked on or before March 1, 2011, which shows~~

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169 ~~that the applicant:~~

170 ~~(a) Is certified as a home inspector by a state or~~
 171 ~~national association that requires, for such certification,~~
 172 ~~successful completion of a proctored examination on home~~
 173 ~~inspection services and completes at least 14 hours of~~
 174 ~~verifiable education on such services; or~~

175 ~~(b) Has at least 3 years of experience as a home inspector~~
 176 ~~at the time of application and has completed 14 hours of~~
 177 ~~verifiable education on home inspection services. To establish~~
 178 ~~the 3 years of experience, an applicant must submit at least 120~~
 179 ~~home inspection reports prepared by the applicant.~~

180 ~~(2) The department may investigate the validity of a home~~
 181 ~~inspection report submitted under paragraph (1) (b) and, if the~~
 182 ~~applicant submits a false report, may take disciplinary action~~
 183 ~~against the applicant under s. 468.832(1)(e) or (g).~~

184 Section 4. Subsections (2), and (3) of section 468.8413,
 185 Florida Statutes, are amended to read:

186 468.8413 Examinations.—

187 (1) A person desiring to be licensed as a mold assessor or
 188 mold remediator must apply to the department after satisfying
 189 the examination requirements of this part.

190 (2) An applicant may practice in this state as a mold
 191 assessor or mold remediator if he or she passes the required
 192 examination, is of good moral character, and possesses a high
 193 school diploma or its equivalent. ~~completes one of the following~~
 194 ~~requirements:~~

195 ~~(a)1. For a mold remediator, at least a 2-year associate~~
 196 ~~of arts degree, or the equivalent, with at least 30 semester~~

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197 ~~hours in microbiology, engineering, architecture, industrial~~
 198 ~~hygiene, occupational safety, or a related field of science from~~
 199 ~~an accredited institution and a minimum of 1 year of documented~~
 200 ~~field experience in a field related to mold remediation; or~~

201 ~~—— 2. A high school diploma or the equivalent with a minimum~~
 202 ~~of 4 years of documented field experience in a field related to~~
 203 ~~mold remediation.~~

204 ~~—— (b)1. For a mold assessor, at least a 2-year associate of~~
 205 ~~arts degree, or the equivalent, with at least 30 semester hours~~
 206 ~~in microbiology, engineering, architecture, industrial hygiene,~~
 207 ~~occupational safety, or a related field of science from an~~
 208 ~~accredited institution and a minimum of 1 year of documented~~
 209 ~~field experience in conducting microbial sampling or~~
 210 ~~investigations; or~~

211 ~~—— 2. A high school diploma or the equivalent with a minimum~~
 212 ~~of 4 years of documented field experience in conducting~~
 213 ~~microbial sampling or investigations.~~

214 ~~(3) The department shall review and approve courses of~~
 215 ~~study in mold assessment and mold remediation.~~

216 Section 5. Paragraphs (2) and (3) of s. 468.8414, Florida
 217 Statutes are amended to read:

218 (2) The department shall certify for licensure any
 219 applicant who satisfies the requirements of s. 468.8413 who has
 220 passed the licensing examination ~~and has documented training in~~
 221 ~~water, mold, and respiratory protection.~~ The department may
 222 refuse to certify any applicant who has violated any of the
 223 provisions of this part.

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224 (3) The department shall certify as qualified for a license
 225 by endorsement an applicant who is of good moral character, who
 226 has the insurance coverage required under s. 468.8421, and who:

227 (a) Is qualified to take the examination as set forth in s.
 228 468.8413 and has passed a certification examination offered by a
 229 nationally or state recognized organization that certifies
 230 persons in the specialty of mold assessment or mold remediation
 231 that has been approved by the department as substantially
 232 equivalent to the requirements of this part and s. 455.217; or

233 Section 6. Subsections (1) and (2) of section 468.8419,
 234 Florida Statutes, are amended to read:

235 468.8419 Prohibitions; penalties.—

236 (1) A person may not:

237 ~~(a) Effective July 1, 2011, perform or offer to perform~~
 238 ~~any mold assessment unless the mold assessor has documented~~
 239 ~~training in water, mold, and respiratory protection under s.~~
 240 ~~468.8414(2).~~

241 (a)~~(b)~~ Effective July 1, 2011, perform or offer to perform
 242 any mold assessment unless the person has complied with the
 243 provisions of this part.

244 (b)~~(e)~~ Use the name or title "certified mold assessor,"
 245 "registered mold assessor," "licensed mold assessor," "mold
 246 assessor," "professional mold assessor," or any combination
 247 thereof unless the person has complied with the provisions of
 248 this part.

249 (c)~~(d)~~ Perform or offer to perform any mold remediation to
 250 a structure on which the mold assessor or the mold assessor's
 251 company provided a mold assessment within the last 12 months.

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252 This paragraph does not apply to a certified contractor who is
 253 classified in s. 489.105(3) as a Division I contractor. However,
 254 the department may adopt rules requiring that, if such
 255 contractor performs the mold assessment and offers to perform
 256 the mold remediation, the contract for mold remediation provided
 257 to the homeowner discloses that he or she has the right to
 258 request competitive bids.

259 (d)~~(e)~~ Inspect for a fee any property in which the
 260 assessor or the assessor's company has any financial or transfer
 261 interest.

262 (e)~~(f)~~ Accept any compensation, inducement, or reward from
 263 a mold remediator or mold remediator's company for the referral
 264 of any business to the mold remediator or the mold remediator's
 265 company.

266 (f)~~(g)~~ Offer any compensation, inducement, or reward to a
 267 mold remediator or mold remediator's company for the referral of
 268 any business from the mold remediator or the mold remediator's
 269 company.

270 (g)~~(h)~~ Accept an engagement to make an omission of the
 271 assessment or conduct an assessment in which the assessment
 272 itself, or the fee payable for the assessment, is contingent
 273 upon the conclusions of the assessment.

274 (2) A mold remediator, a company that employs a mold
 275 remediator, or a company that is controlled by a company that
 276 also has a financial interest in a company employing a mold
 277 remediator may not:

278 ~~(a) Perform or offer to perform any mold remediation~~
 279 ~~unless the remediator has documented training in water, mold,~~

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280 ~~and respiratory protection under s. 468.8414(2).~~

281 (a)~~(b)~~ Perform or offer to perform any mold remediation
 282 unless the person has complied with the provisions of this part.

283 (b)~~(e)~~ Use the name or title "certified mold remediator,"
 284 "registered mold remediator," "licensed mold remediator," "mold
 285 remediator," "professional mold remediator," or any combination
 286 thereof unless the person has complied with the provisions of
 287 this part.

288 (c)~~(d)~~ Perform or offer to perform any mold assessment to
 289 a structure on which the mold remediator or the mold
 290 remediator's company provided a mold remediation within the last
 291 12 months. This paragraph does not apply to a certified
 292 contractor who is classified in s. 489.105(3) as a Division I
 293 contractor. However, the department may adopt rules requiring
 294 that, if such contractor performs the mold remediation and
 295 offers to perform the mold assessment, the contract for mold
 296 assessment provided to the homeowner discloses that he or she
 297 has the right to request competitive bids.

298 (d)~~(e)~~ Remediate for a fee any property in which the mold
 299 remediator or the mold remediator's company has any financial or
 300 transfer interest.

301 (e)~~(f)~~ Accept any compensation, inducement, or reward from
 302 a mold assessor or mold assessor's company for the referral of
 303 any business from the mold assessor or the mold assessor's
 304 company.

305 (f)~~(g)~~ Offer any compensation, inducement, or reward to a
 306 mold assessor or mold assessor's company for the referral of any
 307 business from the mold assessor or the mold assessor's company.

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308 Section 7. Paragraphs (1) of s. 468.8423, Florida Statutes
 309 are amended to read:

310 (1) A person who performs mold assessment or mold
 311 remediation as defined in this part may qualify for licensure by
 312 the department as a mold assessor or mold remediator if the
 313 person submits his or her application to the department ~~by March~~
 314 ~~1, 2011~~ and if the person:

315 (a) Is certified as a mold assessor or mold remediator by a
 316 state or national association that requires, for such
 317 certification, successful completion of a proctored examination
 318 on mold assessment or mold remediation, as applicable; or

319 (b) At the time of application, has at least 1 ~~3~~ years of
 320 experience as a mold assessor or mold remediator. To establish
 321 the 1 ~~3~~ years of experience, an applicant must submit at
 322 least 10 ~~40~~ mold assessments or remediation invoices prepared by
 323 the applicant.

324 Section 8. Paragraph (d) of subsection (1) of section
 325 468.841, Florida Statutes, is amended to read:

326 468.841 Exemptions.—

327 (1) The following persons are not required to comply with
 328 any provisions of this part relating to mold assessment:

329 (d) Persons or business organizations acting within the
 330 scope of the respective licenses required under part XV of
 331 chapter 468, chapter 471, part I of chapter 481, chapter 482,
 332 chapter 489, or part XV of this chapter, are acting on behalf of
 333 an insurer under part VI of chapter 626, or are persons in the
 334 manufactured housing industry who are licensed under chapter
 335 320, except when any such persons or business organizations hold

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336 themselves out for hire to the public as a "certified mold
 337 assessor," "registered mold assessor," "licensed mold assessor,"
 338 "mold assessor," "professional mold assessor," or any
 339 combination thereof stating or implying licensure under this
 340 part.

341 Section 9. Subsection (1) and paragraph (a) of subsection
 342 (2) of section 469.006, Florida Statutes, are amended to read:

343 469.006 Licensure of business organizations; qualifying
 344 agents.—

345 (1) If an individual proposes to engage in consulting or
 346 contracting in that individual's own name, or a fictitious name
 347 under which the individual is doing business as a sole
 348 proprietorship, the license may be issued only to that
 349 individual.

350 (2) (a) If the applicant proposes to engage in consulting
 351 or contracting as a partnership, corporation, business trust, or
 352 other legal entity, or in any name other than the applicant's
 353 legal name, the legal entity must apply for licensure through a
 354 qualifying agent or the individual applicant must apply for
 355 licensure under the fictitious name.

356 Section 10. Subsection (1) (v) through (1) (x) of 475.611,
 357 Florida Statutes, is amended to read:

358 475.611 Definitions.—

359 ~~(v) "Uniform Standards of Profession Appraisal Practice"~~
 360 ~~means the most recent standards approved and adopted by the~~
 361 ~~Appraisal Standards Board of the Appraisal Foundation."~~

362 ~~(w)~~ (v) "Valuation services" means services pertaining to
 363 aspects of property value and includes such services performed

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364 by certified appraisers, registered trainee appraisers, and
 365 others.

366 ~~(x)~~ (w) "Work file" means the documentation necessary to
 367 support an appraiser's analysis, opinions, and conclusions.

368 Section 11. Subsection (14) of 475.624, Florida Statutes,
 369 is amended to read:

370 475.624 Discipline.-

371 (14) Has violated any standard of professional practice,
 372 including standards for the development or communication of a
 373 real estate appraisal, as established by board rule ~~or other~~
 374 ~~provision of the Uniform Standards of Professional Appraisal~~
 375 ~~Practice.~~

376 Section 12. Chapter 475.628, Florida Statutes, is amended
 377 to read:

378 475.628 Professional standards for appraisers registered,
 379 licensed, or certified under this part.-

380 Each appraiser registered, licensed, or certified under
 381 this part shall comply with the standards of professional
 382 practice as established by board rules. The board shall adopt
 383 rules setting forth the standards of professional practice. The
 384 standards of professional practice rules established by the
 385 board shall set standards that meet or exceed nationally
 386 recognized standards of appraisal practice, including the
 387 professional standards set forth by the Appraisal Foundation
 388 ~~Uniform Standards of Professional Appraisal Practice.~~
 389 ~~Statements on appraisal standards which may be issued for the~~
 390 ~~purpose of clarification, interpretation, explanation, or~~
 391 ~~elaboration through the Appraisal Foundation shall also be~~

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392 ~~binding on any appraiser registered, licensed, or certified~~
 393 ~~under this part.~~

394 Section 13. Paragraphs (f) through (o) of subsection (1)
 395 of section 475.42, Florida Statutes, are redesignated as
 396 paragraphs (e) through (n), respectively, and present paragraph
 397 (e) of that subsection is amended to read:

398 475.42 Violations and penalties.—

399 (1) VIOLATIONS.—

400 ~~(c) A person may not violate any lawful order or rule of~~
 401 ~~the commission which is binding upon her or him.~~

402 Section 14. Paragraphs (d) through (g) of subsection (1)
 403 of section 475.626, Florida Statutes, are redesignated as
 404 paragraphs (b) through (e), respectively, and present paragraphs
 405 (b) and (c) of that subsection are amended to read:

406 475.626 Violations and penalties.—

407 (1) VIOLATIONS.—

408 ~~(b) No person shall violate any lawful order or rule of~~
 409 ~~the board which is binding upon her or him.~~

410 ~~(c) No person shall commit any conduct or practice set~~
 411 ~~forth in s. 475.624.~~

412 Section 15. Effective July 1, 2014, paragraphs (d) through
 413 (h) of subsection (1) of section 475.626, Florida Statutes, as
 414 amended by chapter 2010-84, Laws of Florida, and this act, are
 415 redesignated as paragraphs (b) through (f), respectively, and
 416 paragraphs (b) and (c) of that subsection are amended to read:

417 475.626 Violations and penalties.—

418 (1) A person may not:

419 ~~(b) Violate any lawful order or rule of the board which~~

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420 ~~is binding upon her or him.~~

421 ~~(c) If a registered trainee appraiser or a licensed or~~
 422 ~~certified appraiser, commit any conduct or practice set forth in~~
 423 ~~s. 475.624.~~

424 Section 16. Paragraphs (d) through (h) of subsection (1)
 425 of section 477.0265, Florida Statutes, are redesignated as
 426 paragraphs (c) through (g), respectively, and present paragraph
 427 (c) of that subsection is amended to read:

428 477.0265 Prohibited acts.—

429 (1) It is unlawful for any person to:

430 ~~(c) Engage in willful or repeated violations of this~~
 431 ~~chapter or of any rule adopted by the board.~~

432 Section 17. Subsection (10) of section 455.271, Florida
 433 Statutes, is amended to read:

434 455.271 Inactive and delinquent status.—

435 (10) The board, or the department when there is no board,
 436 shall require ~~Before reactivation,~~ an inactive or delinquent
 437 licensee, except for a licensee under chapter 473 or chapter
 438 475, to complete one renewal cycle of ~~shall meet the same~~
 439 continuing education to reactivate a license requirements, ~~if~~
 440 ~~any, imposed on an active status licensee for all biennial~~
 441 ~~licensure periods in which the licensee was inactive or~~
 442 ~~delinquent. This subsection does not apply to persons regulated~~
 443 ~~under chapter 473.~~

444 Section 18. Subsection (2) of section 468.8317, Florida
 445 Statutes, is amended to read:

446 468.8317 Inactive license.—

447 (2) A license that has become inactive may be reactivated

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448 upon application to the department. The department may prescribe
 449 by rule continuing education requirements as a condition of
 450 reactivating a license. The continuing education requirements
 451 for reactivating a license shall be limited to one renewal cycle
 452 of continuing education requirements ~~may not exceed 14 hours for~~
 453 ~~each year the license was inactive.~~

454 Section 19. Subsection (2) of section 468.8417, Florida
 455 Statutes, is amended to read:

456 468.8417 Inactive license.—

457 (2) A license that has become inactive may be reactivated
 458 upon application to the department. The department may prescribe
 459 by rule continuing education requirements as a condition of
 460 reactivating a license. The continuing education requirements
 461 for reactivating a license shall be limited to one renewal cycle
 462 of continuing education requirements ~~may not exceed 14 hours for~~
 463 ~~each year the license was inactive.~~

464 Section 20. Subsection (2) of section 477.0212, Florida
 465 Statutes, is amended to read:

466 477.0212 Inactive status.—

467 (2) The board shall adopt ~~promulgate~~ rules relating to
 468 licenses that ~~which have~~ become inactive and for the renewal of
 469 inactive licenses. The rules must require one renewal cycle of
 470 continuing education to reactivate a license. The board shall
 471 prescribe by rule a fee not to exceed \$50 for the reactivation
 472 of an inactive license and a fee not to exceed \$50 for the
 473 renewal of an inactive license.

474 Section 21. Subsection (1) of section 481.217, Florida
 475 Statutes, is amended to read:

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476 481.217 Inactive status.—
 477 (1) The board may prescribe by rule continuing education
 478 requirements as a condition of reactivating a license. The rules
 479 must require one renewal cycle of continuing education to
 480 reactivate requirements for reactivating a license for a
 481 registered architect ~~may not exceed 12 contact hours for each~~
 482 ~~year the license was inactive. The minimum continuing education~~
 483 ~~requirement for reactivating a license for a registered interior~~
 484 ~~designer shall be those of the most recent biennium plus one-~~
 485 ~~half of the requirements in s. 481.215 for each year or part~~
 486 ~~thereof during which the license was inactive.~~ The board shall
 487 only approve continuing education that builds upon the basic
 488 knowledge of interior design.

489 Section 22. Subsection (1) of section 481.315, Florida
 490 Statutes, is amended to read:

491 481.315 Inactive status.—

492 (1) A license that has become inactive or delinquent may
 493 be reactivated under this section upon application to the
 494 department and payment of any applicable biennial renewal or
 495 delinquency fee, or both, and a reactivation fee. The board
 496 shall also require a licensee to complete one renewal cycle of
 497 continuing education requirements. ~~The board may prescribe by~~
 498 ~~rule continuing education requirements as a condition of~~
 499 ~~reactivating the license. The continuing education requirements~~
 500 ~~for reactivating a license may not exceed 12 classroom hours for~~
 501 ~~each year the license was inactive.~~

502 Section 23. Subsections (3) and (6) of section 489.116,
 503 Florida Statutes, are amended to read:

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504 489.116 Inactive and delinquent status; renewal and
505 cancellation notices.-

506 (3) An inactive status certificateholder or registrant may
507 change to active status at any time ~~if, provided~~ the
508 certificateholder or registrant meets all requirements for
509 active status, pays any additional licensure fees necessary to
510 equal those imposed on an active status certificateholder or
511 registrant, ~~and~~ pays any applicable late fees, and meets all
512 continuing education requirements prescribed by the board.

513 (6) The board may not require an inactive
514 certificateholder or registrant to complete more than one
515 renewal cycle of ~~shall comply with the same~~ continuing education
516 for reactivating a certificate or registration requirements, if
517 ~~any, that are imposed on an active status certificateholder or~~
518 ~~registrant.~~

519 Section 24. Subsection (1) of section 489.519, Florida
520 Statutes, is amended to read:

521 489.519 Inactive status.-

522 (1) A certificate or registration that becomes ~~has become~~
523 inactive may be reactivated under s. 489.517 upon application to
524 the department. The licensee must complete one renewal cycle of
525 ~~board may prescribe, by rule,~~ continuing education to reactivate
526 ~~requirements as a condition of reactivating~~ a certificate or
527 registration. ~~The continuing education requirements for~~
528 ~~reactivating a certificate or registration may not exceed 12~~
529 ~~classroom hours for each year the certificate or registration~~
530 ~~was inactive.~~

531 Section 25. Subsections (3) and (4) and paragraph (b) of

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532 subsection (7) of section 473.308, Florida Statutes, are amended
 533 to read:

534 473.308 Licensure.—

535 (3) An applicant for licensure must:

536 (a) Complete ~~have~~ at least 150 semester hours of college
 537 education, including a baccalaureate or higher degree conferred
 538 by an accredited college or university, with a concentration in
 539 accounting and business in the total educational program to the
 540 extent specified by the board; or

541 (b) Graduate from an accredited university in the state
 542 with a master's degree in accounting.

543 ~~(4)(a)~~ An applicant for licensure ~~after December 31, 2008,~~
 544 must show that he or she has had 1 year of relevant work
 545 experience. This experience must ~~shall~~ include providing any
 546 type of service or advice involving the use of accounting,
 547 attest, compilation, management advisory, financial advisory,
 548 tax, or consulting skills, all of which must be verified by a
 549 certified public accountant who is licensed by a state or
 550 territory of the United States and who has supervised the
 551 applicant. This experience is acceptable if it was gained
 552 through employment in government, industry, academia, or public
 553 practice; constituted a substantial part of the applicant's
 554 duties; and was under the supervision of a certified public
 555 accountant licensed by a state or territory of the United
 556 States. The board shall adopt rules specifying standards and
 557 providing for the review and approval of the work experience
 558 required by this section.

559 ~~(b) However, an applicant who completed the requirements~~

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560 ~~of subsection (3) on or before December 31, 2008, and who passes~~
 561 ~~the licensure examination on or before June 30, 2010, is exempt~~
 562 ~~from the requirements of this subsection.~~

563 (7) The board shall certify as qualified for a license by
 564 endorsement an applicant who:

565 (b)1.a. Holds a valid license to practice public
 566 accounting issued by another state or territory of the United
 567 States, if the criteria for issuance of such license were
 568 substantially equivalent to the licensure criteria that existed
 569 in this state at the time the license was issued; or

570 b. Holds a valid license to practice public accounting
 571 issued by another state or territory of the United States but
 572 the criteria for issuance of such license did not meet the
 573 requirements of sub-subparagraph a.; has met the requirements of
 574 this section for ~~education, work experience, and good moral~~
 575 ~~character; has at least 5 years of work experience that meets~~
 576 ~~the requirements of subsection (4) or at least 5 years of~~
 577 ~~experience in the practice of public accountancy or its~~
 578 ~~equivalent that meets the requirements of subsection (8);~~ and
 579 has passed a national, regional, state, or territorial licensing
 580 examination that is substantially equivalent to the examination
 581 required by s. 473.306; and

582 2. Has completed continuing education courses that are
 583 equivalent to the continuing education requirements for a
 584 Florida certified public accountant licensed in this state
 585 during the 2 years immediately preceding her or his application
 586 for licensure by endorsement.

587 Section 26. Subsection (6) of section 475.17, Florida

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588 Statutes, is amended to read:

589 475.17 Qualifications for practice.—

590 (6) The postlicensure education requirements of this
 591 section, and the education course requirements for one to become
 592 initially licensed, do not apply to any applicant or licensee
 593 who has received a bachelor's degree in real estate, a
 594 bachelor's degree in business with a concentration or emphasis
 595 in real estate, or a higher degree with a concentration or
 596 emphasis ~~4-year degree~~ in real estate from an accredited
 597 institution of higher education.

598 Section 27. Subsection (2) of section 481.219, Florida
 599 Statutes, is amended to read:

600 481.219 Certification of partnerships, limited liability
 601 companies, and corporations.—

602 (2) For the purposes of this section, a certificate of
 603 authorization ~~is shall be~~ required for a corporation, limited
 604 liability company, partnership, or person practicing under a
 605 fictitious name, offering architectural services to the public
 606 jointly or separately. However, when an individual is practicing
 607 architecture in her or his own name, or in a fictitious name
 608 under which the individual is doing business as a sole
 609 proprietorship, she or he ~~is shall~~ not ~~be~~ required to be
 610 certified under this section. Certification under this
 611 subsection to offer architectural services shall include all the
 612 rights and privileges of certification under subsection (3) to
 613 offer interior design services.

614 Section 28. Subsection (5) of section 481.329, Florida
 615 Statutes, is amended to read:

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616 481.329 Exceptions; exemptions from licensure.—
 617 (5) Nothing in this part prohibits any person from
 618 engaging in the practice of landscape design, as defined in s.
 619 481.303(7), nor submitting such plans to governmental agencies
 620 for approval. Persons providing landscape design services shall
 621 not use the title, term, or designation "landscape architect,"
 622 "landscape architectural," "landscape architecture," "L.A.,"
 623 "landscape engineering," or any description tending to convey
 624 the impression that she or he is a landscape architect unless
 625 she or he is registered as provided in this part.

626 Section 29. Subsection (3) of section 493.6107, Florida
 627 Statutes, is amended to read:

628 493.6107 Fees.—

629 (3) The fees set forth in this section must be paid by
 630 ~~certified~~ check or money order or, at the discretion of the
 631 department, by electronic funds transfer ~~agency check~~ at the
 632 time the application is approved, except that the applicant for
 633 a Class "G" or Class "M" license must pay the license fee at the
 634 time the application is made. If a license is revoked or denied
 635 or if the application is withdrawn, the license fee shall not be
 636 refunded.

637 Section 30. Subsection (3) of section 493.6202, Florida
 638 Statutes, is amended to read:

639 493.6202 Fees.—

640 (3) The fees set forth in this section must be paid by
 641 ~~certified~~ check or money order or, at the discretion of the
 642 department, by electronic funds transfer ~~agency check~~ at the
 643 time the application is approved, except that the applicant for

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644 a Class "G," Class "C," Class "CC," Class "M," or Class "MA"
 645 license must pay the license fee at the time the application is
 646 made. If a license is revoked or denied or if the application is
 647 withdrawn, the license fee shall not be refunded.

648 Section 31. Subsections (7) and (8) of section 493.6401,
 649 Florida Statutes, are amended to read:

650 493.6401 Classes of licenses.—

651 (7) Any person who operates a recovery agent ~~repossessor~~
 652 school or training facility or who conducts an Internet-based
 653 training course or a correspondence training course must have a
 654 Class "RS" license.

655 (8) Any individual who teaches or instructs at a Class
 656 "RS" recovery agent ~~repossessor~~ school or training facility
 657 shall have a Class "RI" license.

658 Section 32. Paragraphs (f) and (g) of subsection (1) and
 659 subsection (3) of section 493.6402, Florida Statutes, are
 660 amended to read:

661 493.6402 Fees.—

662 (1) The department shall establish by rule biennial
 663 license fees which shall not exceed the following:

664 (f) Class "RS" license—recovery agent ~~repossessor~~ school
 665 or training facility: \$60.

666 (g) Class "RI" license—recovery agent ~~repossessor~~ school
 667 or training facility instructor: \$60.

668 (3) The fees set forth in this section must be paid by
 669 ~~certified~~ check or money order, or, at the discretion of the
 670 department, by electronic funds transfer ~~agency check~~ at the
 671 time the application is approved, except that the applicant for

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672 a Class "E," Class "EE," or Class "MR" license must pay the
 673 license fee at the time the application is made. If a license is
 674 revoked or denied, or if an application is withdrawn, the
 675 license fee shall not be refunded.

676 Section 33. Section 493.6406, Florida Statutes, is amended
 677 to read:

678 493.6406 Recovery agent ~~Repossession services~~ school or
 679 training facility.-

680 (1) Any school, training facility, or instructor who
 681 offers the training outlined in s. 493.6403(2) for Class "EE"
 682 applicants shall, before licensure of such school, training
 683 facility, or instructor, file with the department an application
 684 accompanied by an application fee in an amount to be determined
 685 by rule, not to exceed \$60. The fee shall not be refundable.
 686 This training may be offered as face-to-face training, Internet-
 687 based training, or correspondence training.

688 (2) The application shall be signed and notarized and
 689 shall contain, at a minimum, the following information:

690 (a) The name and address of the school or training
 691 facility and, if the applicant is an individual, his or her
 692 name, address, and social security or alien registration number.

693 (b) The street address of the place at which the training
 694 is to be conducted or the street address of the Class "RS"
 695 school offering Internet-based or correspondence training.

696 (c) A copy of the training curriculum and final
 697 examination to be administered.

698 (3) The department shall adopt rules establishing the
 699 criteria for approval of schools, training facilities, and

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700 instructors.

701 Section 34. Paragraphs (j) through (z) of subsection (1)
 702 of section 500.03, Florida Statutes, are redesignated as
 703 paragraphs (l) through (bb), respectively, present paragraphs
 704 (n) and (p) are amended, and new paragraphs (j) and (k) are
 705 added to that subsection, to read:

706 500.03 Definitions; construction; applicability.—

707 (1) For the purpose of this chapter, the term:

708 (j) "Cottage food operation" means a natural person who
 709 produces or packages cottage food products at his or her
 710 residence and sells such products in accordance with s. 500.80.

711 (k) "Cottage food product" means food that is not a
 712 potentially hazardous food as defined by department rule which
 713 is sold by a cottage food operation in accordance with s.
 714 500.80.

715 (p) ~~(n)~~ "Food establishment" means any factory, food
 716 outlet, or any other facility manufacturing, processing,
 717 packing, holding, or preparing food or selling food at wholesale
 718 or retail. The term does not include any business or activity
 719 that is regulated under s. 500.80, chapter 509, or chapter 601.
 720 The term includes tomato packinghouses and repackers but does
 721 not include any other establishments that pack fruits and
 722 vegetables in their raw or natural states, including those
 723 fruits or vegetables that are washed, colored, or otherwise
 724 treated in their unpeeled, natural form before they are
 725 marketed.

726 (r) ~~(p)~~ "Food service establishment" means any place where
 727 food is prepared and intended for individual portion service,

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728 and includes the site at which individual portions are provided.
 729 The term includes any such place regardless of whether
 730 consumption is on or off the premises and regardless of whether
 731 there is a charge for the food. The term includes delicatessens
 732 that offer prepared food in individual service portions. The
 733 term does not include schools, institutions, fraternal
 734 organizations, private homes where food is prepared or served
 735 for individual family consumption, retail food stores, the
 736 location of food vending machines, cottage food operations, and
 737 supply vehicles, nor does the term include a research and
 738 development test kitchen limited to the use of employees and
 739 which is not open to the general public.

740 Section 35. Subsection (1) of section 500.121, Florida
 741 Statutes, is amended to read:

742 500.121 Disciplinary procedures.—

743 (1) In addition to the suspension procedures provided in
 744 s. 500.12, if applicable, the department may impose a fine not
 745 to exceed ~~exceeding~~ \$5,000 against any retail food store, ~~or~~
 746 food establishment, or cottage food operation that violates ~~has~~
 747 ~~violated~~ this chapter, which fine, when imposed and paid, shall
 748 be deposited by the department into the General Inspection Trust
 749 Fund. The department may revoke or suspend the permit of any
 750 such retail food store or food establishment if it is satisfied
 751 that the retail food store or food establishment has:

752 (a) Violated any of the provisions of this chapter.

753 (b) Violated or aided or abetted in the violation of any
 754 law of this state governing or applicable to retail food stores
 755 or food establishments or any lawful rules of the department.

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756 (c) Knowingly committed, or been a party to, any material
 757 fraud, misrepresentation, conspiracy, collusion, trick, scheme,
 758 or device whereby any other person, lawfully relying upon the
 759 word, representation, or conduct of a retail food store or food
 760 establishment, acts to her or his injury or damage.

761 (d) Committed any act or conduct of the same or different
 762 character than that enumerated which constitutes fraudulent or
 763 dishonest dealing.

764 Section 36. Section 500.80, Florida Statutes, is created
 765 to read:

766 500.80 Cottage food operations.-

767 (1)(a) A cottage food operation must comply with the
 768 applicable requirements of this chapter but is exempt from the
 769 permitting requirements of s. 500.12 if the cottage food
 770 operation complies with this section and has annual gross sales
 771 of cottage food products that do not exceed \$15,000.

772 (b) For purposes of this subsection, a cottage food
 773 operation's annual gross sales include all sales of cottage food
 774 products at any location, regardless of the types of products
 775 sold or the number of persons involved in the operation. A
 776 cottage food operation must provide the department, upon
 777 request, with written documentation to verify the operation's
 778 annual gross sales.

779 (2) A cottage food operation may not sell or offer for
 780 sale cottage food products over the Internet, by mail order, or
 781 at wholesale.

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782 (3) A cottage food operation may only sell cottage food
 783 products which are prepackaged with a label affixed that
 784 contains the following information:

785 (a) The name and address of the cottage food operation.
 786 (b) The name of the cottage food product.
 787 (c) The ingredients of the cottage food product, in
 788 descending order of predominance by weight.
 789 (d) The net weight or net volume of the cottage food
 790 product.
 791 (e) Allergen information as specified by federal labeling
 792 requirements.
 793 (f) If any nutritional claim is made, appropriate
 794 nutritional information as specified by federal labeling
 795 requirements.
 796 (g) The following statement printed in at least 10-point
 797 type in a color that provides a clear contrast to the background
 798 of the label: "Made in a cottage food operation that is not
 799 subject to Florida's food safety regulations."

800 (4) A cottage food operation may only sell cottage food
 801 products that it stores on the premises of the cottage food
 802 operation.

803 (5) This section does not exempt a cottage food operation
 804 from any state or federal tax law, rule, regulation, or
 805 certificate that applies to all cottage food operations.

806 (6) A cottage food operation must comply with all
 807 applicable county and municipal laws and ordinances regulating
 808 the preparation, processing, storage, and sale of cottage food
 809 products by a cottage food operation or from a person's

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810 residence.

811 (7) (a) The department may investigate any complaint which
 812 alleges that a cottage food operation has violated an applicable
 813 provision of this chapter or rule adopted under this chapter.

814 (b) Only upon receipt of a complaint, the department's
 815 authorized officer or employee may enter and inspect the
 816 premises of a cottage food operation to determine compliance
 817 with this chapter and department rules, as applicable. A cottage
 818 food operation's refusal to permit the department's authorized
 819 officer or employee entry to the premises or to conduct the
 820 inspection is grounds for disciplinary action pursuant to s.
 821 500.121.

822 (8) This section does not apply to a person operating
 823 under a food permit issued pursuant to s. 500.12.

824 Section 37. Subsection (8) of section 501.160, Florida
 825 Statutes, is amended to read:

826 501.160 Rental or sale of essential commodities during a
 827 declared state of emergency; prohibition against unconscionable
 828 prices.—

829 (8) Any violation of this section may be enforced by the
 830 ~~Department of Agriculture and Consumer Services,~~ the office of
 831 the state attorney~~7~~ or the Department of Legal Affairs.

832 Section 38. Subsection (7) of section 509.032, Florida
 833 Statutes, is amended to read:

834 509.032 Duties.—

835 (7) PREEMPTION AUTHORITY.—The regulation of public lodging
 836 establishments and public food service establishments,
 837 including, but not limited to, ~~the inspection of public lodging~~

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838 ~~establishments and public food service establishments for~~
 839 ~~compliance with the sanitation standards, inspections adopted~~
 840 ~~under this section, and the regulation of food safety protection~~
 841 ~~standards for required training and testing of food service~~
 842 ~~establishment personnel, and matters related to the nutritional~~
 843 ~~content and marketing of foods offered in such establishments,~~
 844 are preempted to the state. This subsection does not preempt the
 845 authority of a local government or local enforcement district to
 846 conduct inspections of public lodging and public food service
 847 establishments for compliance with the Florida Building Code and
 848 the Florida Fire Prevention Code, pursuant to ss. 553.80 and
 849 633.022.

850 Section 39. Subsection (1) of section 509.261, Florida
 851 Statutes, is amended to read:

852 509.261 Revocation or suspension of licenses; fines;
 853 procedure.—

854 (1) Any public lodging establishment or public food
 855 service establishment that has operated or is operating in
 856 violation of this chapter or the rules of the division,
 857 operating without a license, or operating with a suspended or
 858 revoked license may be subject by the division to:

859 (a) Fines not to exceed \$1,000 per offense;

860 (b) Mandatory completion attendance, at personal expense,
 861 of a remedial at an educational program administered sponsored
 862 by a food safety training program provider whose program is
 863 approved by the division as provided in s. 509.049 the

864 ~~Hospitality Education Program; and~~

865 (c) The suspension, revocation, or refusal of a license

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866 issued pursuant to this chapter.

867 Section 40. Paragraph (a) of subsection (2) of section
868 627.711, Florida Statutes, is amended to read:

869 627.711 Notice of premium discounts for hurricane loss
870 mitigation; uniform mitigation verification inspection form.—

871 (2) (a) The Financial Services Commission shall develop by
872 rule a uniform mitigation verification inspection form that
873 shall be used by all insurers when submitted by policyholders
874 for the purpose of factoring discounts for wind insurance. In
875 developing the form, the commission shall seek input from
876 insurance, construction, and building code representatives.
877 Further, the commission shall provide guidance as to the length
878 of time the inspection results are valid. An insurer shall
879 accept as valid a uniform mitigation verification form signed by
880 the following authorized mitigation inspectors:

881 1. A home inspector licensed under s. 468.8314 who has
882 completed at least 3 hours of hurricane mitigation training
883 approved by the Construction Industry Licensing Board which
884 includes hurricane mitigation techniques and compliance with the
885 uniform mitigation verification form and completion of a
886 proficiency exam. ~~Thereafter, home inspectors licensed under s.~~
887 ~~468.8314 must complete at least 2 hours of continuing education,~~
888 ~~as part of the existing licensure renewal requirements each~~
889 ~~year, related to mitigation inspection and the uniform~~
890 ~~mitigation form;~~

891 Section 41. Subsection (2) of section 633.537, Florida
892 Statutes, is amended to read:

893 633.537 Certificate; expiration; renewal; inactive

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894 certificate; continuing education.—

895 (2) A person who holds a valid certificate may maintain
 896 such certificate in an inactive status during which time she or
 897 he may not engage in contracting. An inactive status certificate
 898 shall be void after four a 2-year periods ~~period~~. The biennial
 899 renewal fee for an inactive status certificate shall be \$75. An
 900 inactive status certificate may be reactivated upon application
 901 to the State Fire Marshal and payment of the initial application
 902 fee.

903 Section 42. Subsections (8) through (23) of section
 904 681.102, Florida Statutes, are renumbered as subsections (7)
 905 through (22), respectively, and present subsection (7) of that
 906 section is amended to read:

907 681.102 Definitions.—As used in this chapter, the term:

908 ~~(7) "Division" means the Division of Consumer Services of~~
 909 ~~the Department of Agriculture and Consumer Services.~~

910 Section 43. Subsection (3) of section 681.103, Florida
 911 Statutes, is amended to read:

912 681.103 Duty of manufacturer to conform a motor vehicle to
 913 the warranty.—

914 (3) At the time of acquisition, the manufacturer shall
 915 inform the consumer clearly and conspicuously in writing how and
 916 where to file a claim with a certified procedure if such
 917 procedure has been established by the manufacturer pursuant to
 918 s. 681.108. The nameplate manufacturer of a recreational vehicle
 919 shall, at the time of vehicle acquisition, inform the consumer
 920 clearly and conspicuously in writing how and where to file a
 921 claim with a program pursuant to s. 681.1096. The manufacturer

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922 shall provide to the dealer and, at the time of acquisition, the
 923 dealer shall provide to the consumer a written statement that
 924 explains the consumer's rights under this chapter. The written
 925 statement shall be prepared by the Department of Legal Affairs
 926 and shall contain a toll-free number for the department ~~division~~
 927 that the consumer can contact to obtain information regarding
 928 the consumer's rights and obligations under this chapter or to
 929 commence arbitration. If the manufacturer obtains a signed
 930 receipt for timely delivery of sufficient quantities of this
 931 written statement to meet the dealer's vehicle sales
 932 requirements, it shall constitute prima facie evidence of
 933 compliance with this subsection by the manufacturer. The
 934 consumer's signed acknowledgment of receipt of materials
 935 required under this subsection shall constitute prima facie
 936 evidence of compliance by the manufacturer and dealer. The form
 937 of the acknowledgments shall be approved by the Department of
 938 Legal Affairs, and the dealer shall maintain the consumer's
 939 signed acknowledgment for 3 years.

940 Section 44. Section 681.108, Florida Statutes, is amended
 941 to read:

942 681.108 Dispute-settlement procedures.—

943 (1) If a manufacturer has established a procedure, which
 944 the department ~~division~~ has certified as substantially complying
 945 with the provisions of 16 C.F.R. part 703, in effect October 1,
 946 1983, and with the provisions of this chapter and the rules
 947 adopted under this chapter, and has informed the consumer how
 948 and where to file a claim with such procedure pursuant to s.
 949 681.103(3), the provisions of s. 681.104(2) apply to the

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950 consumer only if the consumer has first resorted to such
 951 procedure. The decisionmakers for a certified procedure shall,
 952 in rendering decisions, take into account all legal and
 953 equitable factors germane to a fair and just decision,
 954 including, but not limited to, the warranty; the rights and
 955 remedies conferred under 16 C.F.R. part 703, in effect October
 956 1, 1983; the provisions of this chapter; and any other equitable
 957 considerations appropriate under the circumstances.

958 Decisionmakers and staff of a procedure shall be trained in the
 959 provisions of this chapter and in 16 C.F.R. part 703, in effect
 960 October 1, 1983. In an action brought by a consumer concerning
 961 an alleged nonconformity, the decision that results from a
 962 certified procedure is admissible in evidence.

963 (2) A manufacturer may apply to the department ~~division~~
 964 for certification of its procedure. After receipt and evaluation
 965 of the application, the department ~~division~~ shall certify the
 966 procedure or notify the manufacturer of any deficiencies in the
 967 application or the procedure.

968 (3) A certified procedure or a procedure of an applicant
 969 seeking certification shall submit to the department ~~division~~ a
 970 copy of each settlement approved by the procedure or decision
 971 made by a decisionmaker within 30 days after the settlement is
 972 reached or the decision is rendered. The decision or settlement
 973 must contain at a minimum the:

- 974 (a) Name and address of the consumer;
- 975 (b) Name of the manufacturer and address of the dealership
- 976 from which the motor vehicle was purchased;
- 977 (c) Date the claim was received and the location of the

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978 procedure office that handled the claim;
 979 (d) Relief requested by the consumer;
 980 (e) Name of each decisionmaker rendering the decision or
 981 person approving the settlement;
 982 (f) Statement of the terms of the settlement or decision;
 983 (g) Date of the settlement or decision; and
 984 (h) Statement of whether the decision was accepted or
 985 rejected by the consumer.
 986 (4) Any manufacturer establishing or applying to establish
 987 a certified procedure must file with the department ~~division~~ a
 988 copy of the annual audit required under the provisions of 16
 989 C.F.R. part 703, in effect October 1, 1983, together with any
 990 additional information required for purposes of certification,
 991 including the number of refunds and replacements made in this
 992 state pursuant to the provisions of this chapter by the
 993 manufacturer during the period audited.
 994 (5) The department ~~division~~ shall review each certified
 995 procedure at least annually, prepare an annual report evaluating
 996 the operation of certified procedures established by motor
 997 vehicle manufacturers and procedures of applicants seeking
 998 certification, and, for a period not to exceed 1 year, shall
 999 grant certification to, or renew certification for, those
 1000 manufacturers whose procedures substantially comply with the
 1001 provisions of 16 C.F.R. part 703, in effect October 1, 1983, and
 1002 with the provisions of this chapter and rules adopted under this
 1003 chapter. If certification is revoked or denied, the department
 1004 ~~division~~ shall state the reasons for such action. The reports
 1005 and records of actions taken with respect to certification shall

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1006 be public records.

1007 (6) A manufacturer whose certification is denied or
 1008 revoked is entitled to a hearing pursuant to chapter 120.

1009 (7) If federal preemption of state authority to regulate
 1010 procedures occurs, the provisions of subsection (1) concerning
 1011 prior resort do not apply.

1012 (8) The department ~~division~~ shall adopt rules to
 1013 administer ~~implement~~ this section.

1014 Section 45. Section 681.109, Florida Statutes, is amended
 1015 to read:

1016 681.109 Florida New Motor Vehicle Arbitration Board;
 1017 dispute eligibility.—

1018 (1) If a manufacturer has a certified procedure, a
 1019 consumer claim arising during the Lemon Law rights period must
 1020 be filed with the certified procedure no later than 60 days
 1021 after the expiration of the Lemon Law rights period. If a
 1022 decision is not rendered by the certified procedure within 40
 1023 days of filing, the consumer may apply to the department
 1024 ~~division~~ to have the dispute removed to the board for
 1025 arbitration.

1026 (2) If a manufacturer has a certified procedure, a
 1027 consumer claim arising during the Lemon Law rights period must
 1028 be filed with the certified procedure no later than 60 days
 1029 after the expiration of the Lemon Law rights period. If a
 1030 consumer is not satisfied with the decision or the
 1031 manufacturer's compliance therewith, the consumer may apply to
 1032 the department ~~division~~ to have the dispute submitted to the
 1033 board for arbitration. A manufacturer may not seek review of a

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1034 decision made under its procedure.

1035 (3) If a manufacturer has no certified procedure or if a
 1036 certified procedure does not have jurisdiction to resolve the
 1037 dispute, a consumer may apply directly to the department
 1038 ~~division~~ to have the dispute submitted to the board for
 1039 arbitration.

1040 (4) A consumer must request arbitration before the board
 1041 with respect to a claim arising during the Lemon Law rights
 1042 period no later than 60 days after the expiration of the Lemon
 1043 Law rights period, or within 30 days after the final action of a
 1044 certified procedure, whichever date occurs later.

1045 (5) The department ~~division~~ shall screen all requests for
 1046 arbitration before the board to determine eligibility. The
 1047 consumer's request for arbitration before the board shall be
 1048 made on a form prescribed by the department. The department
 1049 ~~division~~ shall assign forward to the board all disputes that the
 1050 department ~~division~~ determines are potentially entitled to
 1051 relief under this chapter.

1052 (6) The department ~~division~~ may reject a dispute that it
 1053 determines to be fraudulent or outside the scope of the board's
 1054 authority. Any dispute deemed by the department ~~division~~ to be
 1055 ineligible for arbitration by the board due to insufficient
 1056 evidence may be reconsidered upon the submission of new
 1057 information regarding the dispute. Following a second review,
 1058 the department ~~division~~ may reject a dispute if the evidence is
 1059 clearly insufficient to qualify for relief. If the department
 1060 rejects a dispute, notice of such rejection ~~Any dispute rejected~~
 1061 ~~by the division shall be forwarded to the department and a copy~~

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1062 shall be sent by registered mail to the consumer and the
 1063 manufacturer, containing a brief explanation as to the reason
 1064 for rejection.

1065 (7) If the department ~~division~~ rejects a dispute, the
 1066 consumer may file a lawsuit to enforce the remedies provided
 1067 under this chapter. In any civil action arising under this
 1068 chapter and relating to a matter considered by the department
 1069 ~~division~~, any determination made to reject a dispute is
 1070 admissible in evidence.

1071 (8) The department may ~~shall have the authority to~~ adopt
 1072 ~~reasonable~~ rules to administer ~~carry out the provisions of~~ this
 1073 section.

1074 Section 46. Subsections (2), (4), (5), (11), and (12) of
 1075 section 681.1095, Florida Statutes, are amended to read:

1076 681.1095 Florida New Motor Vehicle Arbitration Board;
 1077 creation and function.-

1078 (2) The boards shall hear cases in various locations
 1079 throughout the state so any consumer whose dispute is approved
 1080 for arbitration by the department ~~division~~ may attend an
 1081 arbitration hearing at a reasonably convenient location and
 1082 present a dispute orally. Hearings shall be conducted by panels
 1083 of three board members assigned by the department. A majority
 1084 vote of the three-member board panel shall be required to render
 1085 a decision. Arbitration proceedings under this section shall be
 1086 open to the public on reasonable and nondiscriminatory terms.

1087 (4) Before filing a civil action on a matter subject to s.
 1088 681.104, the consumer must first submit the dispute to the
 1089 department ~~division~~, and to the board if such dispute is deemed

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1090 eligible for arbitration.

1091 (5) Manufacturers shall submit to arbitration conducted by
 1092 the board if such arbitration is requested by a consumer and the
 1093 dispute is deemed eligible for arbitration by the department
 1094 ~~division~~ pursuant to s. 681.109.

1095 (11) All provisions in this section and s. 681.109
 1096 pertaining to compulsory arbitration before the board, the
 1097 dispute eligibility screening by the department ~~division~~, the
 1098 proceedings and decisions of the board, and any appeals thereof,
 1099 are exempt from the provisions of chapter 120.

1100 (12) An appeal of a decision by the board to the circuit
 1101 court by a consumer or a manufacturer shall be by trial de novo.
 1102 In a written petition to appeal a decision by the board, the
 1103 appealing party must state the action requested and the grounds
 1104 relied upon for appeal. Within 30 days after ~~of~~ final
 1105 disposition of the appeal, the appealing party shall furnish the
 1106 department with notice of such disposition and, upon request,
 1107 shall furnish the department with a copy of the order or
 1108 judgment of the court.

1109 Section 47. Subsections (2) and (4) of section 681.1096,
 1110 Florida Statutes, are amended to read:

1111 681.1096 RV Mediation and Arbitration Program; creation
 1112 and qualifications.—

1113 (2) Each manufacturer of a recreational vehicle involved
 1114 in a dispute that is determined eligible under this chapter,
 1115 including chassis and component manufacturers which separately
 1116 warrant the chassis and components and which otherwise meet the
 1117 definition of manufacturer set forth in s. 681.102 (13) ~~(14)~~,

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1118 shall participate in a mediation and arbitration program that is
 1119 deemed qualified by the department.

1120 (4) The department shall monitor the program for
 1121 compliance with this chapter. If the program is determined not
 1122 qualified or if qualification is revoked, then disputes shall be
 1123 subject to the provisions of ss. 681.109 and 681.1095. If the
 1124 program is determined not qualified or if qualification is
 1125 revoked as to a manufacturer, all those manufacturers
 1126 potentially involved in the eligible consumer dispute shall be
 1127 required to submit to arbitration conducted by the board if such
 1128 arbitration is requested by a consumer and the dispute is deemed
 1129 eligible for arbitration by the department ~~division~~ pursuant to
 1130 s. 681.109. A consumer having a dispute involving one or more
 1131 manufacturers for which the program has been determined not
 1132 qualified, or for which qualification has been revoked, is not
 1133 required to submit the dispute to the program irrespective of
 1134 whether the program may be qualified as to some of the
 1135 manufacturers potentially involved in the dispute.

1136 Section 48. Subsection (2) of section 681.112, Florida
 1137 Statutes, is amended to read:

1138 681.112 Consumer remedies.—

1139 (2) An action brought under this chapter must be commenced
 1140 within 1 year after the expiration of the Lemon Law rights
 1141 period, or, if a consumer resorts to an informal dispute-
 1142 settlement procedure or submits a dispute to the department
 1143 ~~division~~ or board, within 1 year after the final action of the
 1144 procedure, department ~~division~~, or board.

1145 Section 49. Subsection (1) of section 681.117, Florida

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1146 Statutes, is amended to read:
 1147 681.117 Fee.—
 1148 (1) A \$2 fee shall be collected by a motor vehicle dealer,
 1149 or by a person engaged in the business of leasing motor
 1150 vehicles, from the consumer at the consummation of the sale of a
 1151 motor vehicle or at the time of entry into a lease agreement for
 1152 a motor vehicle. Such fees shall be remitted to the county tax
 1153 collector or private tag agency acting as agent for the
 1154 Department of Revenue. If the purchaser or lessee removes the
 1155 motor vehicle from the state for titling and registration
 1156 outside this state, the fee shall be remitted to the Department
 1157 of Revenue. All fees, less the cost of administration, shall be
 1158 transferred monthly to the Department of Legal Affairs for
 1159 deposit into the Motor Vehicle Warranty Trust Fund. ~~The~~
 1160 ~~Department of Legal Affairs shall distribute monthly an amount~~
 1161 ~~not exceeding one-fourth of the fees received to the Division of~~
 1162 ~~Consumer Services of the Department of Agriculture and Consumer~~
 1163 ~~Services to carry out the provisions of ss. 681.108 and 681.109.~~
 1164 ~~The Department of Legal Affairs shall contract with the Division~~
 1165 ~~of Consumer Services for payment of services performed by the~~
 1166 ~~division pursuant to ss. 681.108 and 681.109.~~
 1167 Section 50. (1) Effective upon this act becoming a law,
 1168 section 10 of chapter 2010-84, Laws of Florida, is amended to
 1169 read:
 1170 Section 10. This act shall take effect July 1, 2014 ~~2011~~.
 1171 (2) If this act becomes a law after June 30, 2011, this
 1172 section shall operate retroactively to June 30, 2011.

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1173 | Section 51. Except as otherwise expressly provided in this
1174 | act and except for this section, which shall take effect upon
1175 | this act becoming a law, this act shall take effect July 1,
1176 | 2011.
1177 |